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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 SHAWN LEE HARRISON,

12 Plaintiff,

13 v.

14 WARDEN HDSP,

15 Defendant.
16

No. 2:25-CV-1807-DMC-P

ORDER

17 Plaintiff, who is proceeding pro se, brings this civil rights action pursuant to 42
18 U.S.C. § 1983. Pending before the Court is Plaintiff's original complaint, ECF No. 1.

19 The Court is required to screen complaints brought by prisoners seeking relief
20 against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C.
21 § 1915A(a). This provision also applies if, as appears to be the situation here, the plaintiff was
22 incarcerated at the time the action was initiated even if the litigant was subsequently released
23 from custody. See Olivas v. Nevada ex rel. Dep't of Corr., 856 F.3d 1281, 1282 (9th Cir. 2017).
24 The Court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails
25 to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant
26 who is immune from such relief. See 28 U.S.C. § 1915A(b)(1), (2).

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Moreover, the Federal Rules of Civil Procedure require that complaints contain a “. . . short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and directly. See McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)). These rules are satisfied if the complaint gives the defendant fair notice of the plaintiff’s claim and the grounds upon which it rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996). Because Plaintiff must allege with at least some degree of particularity overt acts by specific defendants which support the claims, vague and conclusory allegations fail to satisfy this standard. Additionally, it is impossible for the Court to conduct the screening required by law when the allegations are vague and conclusory.

I. PLAINTIFF’S ALLEGATIONS

Plaintiff names as defendant the Warden at High Desert State Prison (HDSP). See ECF No. 1, pg. 2. The Warden is not named. See id. Plaintiff also lists as defendants to unnamed Doe prison officials at HDSP. See id.

Plaintiff alleges an Eighth Amendment violation resulting from “embarrassment & indignity.” Id. at 3. According to Plaintiff:

On 10/08/2024 as an inmate landscaping crew, I, Shawn Harrison, was working on the CCC out ground landscaping at the entrance of the Antelope Fire Camp main entrance with inmate Brandon Roades #BS4353, which is situated adjacent to the main highway. Suddenly, two ISU officers pulled over their SUVs & ordered us to strip naked. They offered no reason for this search. We complied & we were later interrogated & then we were let go. The strip naked body search took place when hundreds of cars were passing by us. The Title 15, Section 3287(4)(b) clearly states . . . all such inspections shall be conducted in a professional manner which avoids embarrassment or indignity to the inmate. These two ISU officers carry out duties at the behest of the Warden. The Warden is responsible for any officers’ action.

ECF No. 1, pg. 3.

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II. DISCUSSION

Plaintiff's complaint, as currently pleaded, is insufficient to state a claim. Specifically, while the Court finds that the facts alleged could show a violation of Plaintiff's rights arising from the public strip search described, Plaintiff has not named any individuals who are responsible for the strip search. The Warden at HDSP is not named and the Warden's personal involvement is not described. Nor has Plaintiff identified either of the officers allegedly involved in the strip search. Plaintiff will be provided leave to amend consistent with the following principles.

To state a claim under 42 U.S.C. § 1983, the plaintiff must allege an actual connection or link between the actions of the named defendants and the alleged deprivations. See Monell v. Dep't of Social Servs., 436 U.S. 658 (1978); Rizzo v. Goode, 423 U.S. 362 (1976). "A person 'subjects' another to the deprivation of a constitutional right, within the meaning of § 1983, if he does an affirmative act, participates in another's affirmative acts, or omits to perform an act which he is legally required to do that causes the deprivation of which complaint is made." Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978). Vague and conclusory allegations concerning the involvement of official personnel in civil rights violations are not sufficient. See Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982). Rather, the plaintiff must set forth specific facts as to each individual defendant's causal role in the alleged constitutional deprivation. See Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988).

Supervisory personnel, like the Warden at HDSP, are generally not liable under § 1983 for the actions of their employees. See Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989) (holding that there is no respondeat superior liability under § 1983). A supervisor is only liable for the constitutional violations of subordinates if the supervisor participated in or directed the violations. See id. Supervisory personnel who implement a policy so deficient that the policy itself is a repudiation of constitutional rights and the moving force behind a constitutional violation may be liable even where such personnel do not overtly participate in the offensive act. See Redman v. Cnty of San Diego, 942 F.2d 1435, 1446 (9th Cir. 1991) (en banc). A supervisory defendant may also be liable where he or she knew of constitutional violations but failed to act to

1 prevent them. See Taylor, 880 F.2d at 1045; see also Starr v. Baca, 633 F.3d 1191, 1209 (9th Cir.
2 2011). When a defendant holds a supervisory position, the causal link between such defendant
3 and the claimed constitutional violation must be specifically alleged. See Fayle v. Stapley, 607
4 F.2d 858, 862 (9th Cir. 1979); Mosher v. Saalfeld, 589 F.2d 438, 441 (9th Cir. 1978).

6 III. CONCLUSION

7 Because it is possible that the deficiencies identified in this order may be cured by
8 amending the complaint, Plaintiff is entitled to leave to amend prior to dismissal of the entire
9 action. See Lopez v. Smith, 203 F.3d 1122, 1126, 1131 (9th Cir. 2000) (en banc). Plaintiff is
10 informed that, as a general rule, an amended complaint supersedes the original complaint. See
11 Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992). Thus, following dismissal with leave to
12 amend, all claims alleged in the original complaint which are not alleged in the amended
13 complaint are waived. See King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987). Therefore, if
14 Plaintiff amends the complaint, the Court cannot refer to the prior pleading in order to make
15 Plaintiff's amended complaint complete. See Local Rule 220. An amended complaint must be
16 complete in itself without reference to any prior pleading. See id.

17 If Plaintiff chooses to amend the complaint, Plaintiff must demonstrate how the
18 conditions complained of have resulted in a deprivation of Plaintiff's constitutional rights. See
19 Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). The complaint must allege in specific terms how
20 each named defendant is involved and must set forth some affirmative link or connection between
21 each defendant's actions and the claimed deprivation. See May v. Enomoto, 633 F.2d 164, 167
22 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

23 Finally, Plaintiff is warned that failure to file an amended complaint within the
24 time provided in this order may be grounds for dismissal of this action. See Ferdik, 963 F.2d at
25 1260-61; see also Local Rule 110. Plaintiff is also warned that a complaint which fails to comply
26 with Rule 8 may, in the Court's discretion, be dismissed with prejudice pursuant to Rule 41(b).
27 See Nevijel v. North Coast Life Ins. Co., 651 F.2d 671, 673 (9th Cir. 1981).

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's original complaint is dismissed with leave to amend; and
2. Plaintiff shall file a first amended complaint within 30 days of the date of service of this order.

Dated: July 17, 2025



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE